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there can be no recovery upon the debt itself. *McLane* v. *Allison*, 60 Kan. 441, 56 Pac. 747; *Neosho Valley Investment Co.* v. *Huston*, 61 Kan. 859, 59 Pac. 643. The mortgage, although no longer a distinct right, is still a distinct remedy.

NUISANCE — MEASURE OF DAMAGES — INFRINGEMENT OF EASEMENT: WHETHER RECOVERY FOR INJURY TO OTHER THAN THE DOMINANT TENEMENT. — The plaintiff owned two lots on a street, which had ancient lights, and a lot to the rear, which had none. They were valuable mainly as a factory site. The defendant erected a building shutting off the lights. The court refused an injunction because of the plaintiff's delay. *Held*, that the plaintiff may recover for the depreciation in value of the whole site. *Griffith* v. *Clay & Sons, Limited*, [1912] 2 Ch. 291.

The court in the principal case treats the infringement of the easement as permanent, as it would be if the case were one of eminent domain. *Neff* v. *Pennsylvania R. Co.*, 202 Pa. 371, 51 Atl. 1038. See 11 HARV. L. REV. 118. For such permanent injury to his property a plaintiff may ordinarily recover the diminution in its market value. *Rabe* v. *Shoenberger Coal Co.*, 213 Pa. 252, 62 Atl. 854. *Fidelity Trust Co.* v. *Shelbyville Water and Light Co.*, 33 Ky. L. 202, 110 S. W. 239. Damages in cases of easements are in general computed upon the property to which the easement is appurtenant. *Neff* v. *Pennsylvania R. Co.*, *supra*. One decision gives damages for shutting off light to all the windows in the house, not alone for those having ancient lights. *In re London, etc. Ry. Co.*, 24 Q. B. D. 326. The principal case, allowing damages for injury to each lot, is a somewhat doubtful extension of this theory, and practically adopts the general rule for damages in tort. *Cf. Rajnowski* v. *Detroit, etc. R. Co.*, 74 Mich. 20, 41 N. W. 847. However, the most profitable use to which the land could be put is considered in computing the market value. *Sargent* v. *Merrimac*, 196 Mass. 171, 81 N. E. 970. This is possible here, for the erection of new buildings by the owner will not extinguish the easement. *Ecclesiastical Commissioners for England* v. *Kino*, 14 Ch. D. 213. The decision could be based on the sound ground that the damage to the whole site was really the injury to the most profitable use of the front lots, *i. e.* in connection with the rear one. *Cf. Maynard* v. *Northampton*, 157 Mass. 218, 31 N. E. 1062.

PAROL EVIDENCE RULE — CONSTRUCTION OF DOCUMENTS — WILLS: DECLARATIONS OF INTENTION WHEN LEGATEE MISDESCRIBED. — In 1891 the testator, after giving a life estate, devised all of his freehold property to "John William Halston, the son of Israel Halston." Israel Halston had a son by this name who had died in 1874, and a younger son named John Robert Halston, who claimed the devise. To support the claim, there was offered a declaration of the testator to John Robert Halston that he was to have the land. *Held*, that the declaration is admissible. *In re Halston*, [1912] 1 Ch. 435.

All of the facts and circumstances respecting persons or property to which the will relates are legitimate evidence to enable the court to ascertain the meaning and application of the words of the will. *Doe d. Hiscocks* v. *Hiscocks*, 5 M. & W. 363; *Stevenson* v. *Druley*, 4 Ind. 519. But to do this a court cannot hear declarations of intention by the testator, as this permits parol matter to evidence intentions which the law requires to be written with certain formalities. *Doe d. Hiscocks* v. *Hiscocks*, *supra*; *Wootton* v. *Redd*, 12 Gratt. (Va.) 196. A stronger reason seems to be the practical one that such evidence can be manufactured with great ease. See 4 WIGMORE, EVIDENCE, § 2471. However, this rule is subject to the exception that if the description in the will accurately applies to two or more persons or things, declarations by the testator are admissible to show which one is meant. *Doe d. Gord* v. *Needs*, 2 M. & W. 129. In such a case the declarations are used merely to expand and make more specific